

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JUL 26 2012

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

(1) MATTHEW SKELTON,

Plaintiff,

vs.

(1) VIRTUOSO SOURCING GROUP, LLC

Defendant.

**12 CV - 416 GKF PJC**

COMPLAINT

(Unlawful Debt Collection Practices)

**JURY TRIAL DEMANDED**

**COMPLAINT**

NOW COMES Plaintiff, Matthew Skelton, and for his Complaint against Defendant, Virtuoso Sourcing Group, LLC, alleges as follows:

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy.

3. Defendant conducts business in the state of Oklahoma; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Tulsa, County of Tulsa, Oklahoma.

COMPLAINT

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6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in Aurora, CO.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

10. On or about June 01, 2012, Defendant began placing collections calls to Plaintiff seeking and demanding payment for a debt purportedly owed to AT&T Wireless.

11. Plaintiff's home telephone answering machine has an "outgoing message" played to all callers that was created by Plaintiff's minor daughter, and states her name. Plaintiff's minor daughter routinely listens to Plaintiff's answering machine messages.

12. Defendant called Plaintiff's home telephone answering machine and left at least five (5) messages that specifically identified Plaintiff by name and communicating that Defendant was calling to collect a debt owed by Plaintiff.

13. Each of the voicemail messages was left by an artificial, computer-generated voice, and presumably placed by a computer auto-dialer.

14. Such messages were heard by Plaintiff's minor daughter. Defendant had reason to anticipate that the messages would be heard by someone else besides the Plaintiff as the outgoing message is the voice of Plaintiff's minor daughter, and she states her own name in such message.

15. Defendant called Plaintiff from 866-274-0302 and possibly other numbers.

16. Defendant called Plaintiff at 918-xxx-6560.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**  
**(FDCPA), 15 U.S.C. § 1692 et seq.**

17. Defendant violated the FDCPA. Defendant's violations include, but are not limited to the following:

a) Defendant violated §1692c(b) of the FDCPA by intentionally communicating with third parties, including Plaintiff's minor daughter, through telephone messages communicating that Defendant is calling to collect a debt owed by Plaintiff; and

b) Defendant violated §1692d of the FDCPA by engaging in conduct natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

**WHEREFORE**, Plaintiff, Matthew Skelton, respectfully prays that judgment be entered against Defendant, Virtuoso Sourcing Group, LLC, for the following:

- a) Statutory damages of \$1,000.00, pursuant to the FDCPA, 15 U.S.C. 1692k;
- b) Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k;
- and
- c) Any other relief that this court deems to be just and proper.

Respectfully Submitted,

/s/ Victor R. Wandres 

Victor R. Wandres, OBA #19591

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